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15.12.2023
d.p.

**In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

W.P.A. 21423 of 2023

**Kalidaha (Kalindi) Plot Owners' Association & Anr.
-versus
The State of West Bengal & Ors.**

**Mr. Sabyasachi Chatterjee,
Ms. Madhurima Sarkar.
...For the Petitioners.**

**Ms. Mousumi Bhowal,
Mr. Aman Gupta.
...For the Municipality.**

**Mr. Ayan Chakraborty,
Mr. Dhillon Sengupta.
...For Housing Board.**

Affidavit-of-service filed in Court today is taken on record.

The petitioners seek compliance of the direction passed by the Housing Commissioner, West Bengal Housing Board directing the South Dum Dum Municipality to take steps to adhere to the original development plan of Kalindi Housing Society and to stop raising/not to raise construction/structure in violation of the original development plan of the Society.

The Secretary of the Municipality was directed to immediately identify the structures raised in violation of the original development plan and to ensure that the usual municipal services provided to the lessees are not hampered or affected in any way.

The order was passed way back in July 2022 and the same is yet to be implemented.

Learned advocate appearing for the Municipality submits that the Secretary of the Municipality is not the competent person to implement the same. Prayer has been made to permit the executive officer of the Municipality to act in accordance with the direction passed in the reasoned order passed by the Commissioner of the Housing Board.

The petitioners allege that after passing of the order by the Housing Commissioner, new construction was sought to be made which was stopped with the resistance of the members of the Housing Society.

The Municipality is directed to ensure that the original development plan of the Society is strictly adhered to and no unauthorized construction comes up within the premises of the Housing Society.

The concerned officer of the South Dum Dum Municipality shall take strict steps to implement the order of the Housing Commissioner at the earliest, but latest by twelve weeks from the date of communication of a copy of this order and report its compliance to the Housing Commissioner immediately thereafter.

The Municipality shall also take steps to demolish all unauthorized constructions within the Housing Society and remove the debris immediately.

The writ petition stands disposed of.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Amrita Sinha, J.)